

IN THE CIRCUIT COURT OF GREENE COUNTY, MISSOURI

RICKY LEE GRIFFITTS,

Plaintiff,

v.

OLD REPUBLIC INSURANCE
COMPANY, BNSF RAILWAY
COMPANY, AND JAMES M.
CAMPBELL,

Defendants.

FILED

2013 MAR 25 P 4: 23

Case No.:

CIRCUIT CLERK
GREENE COUNTY, MO

PETITION

COMES NOW plaintiff Ricky Lee Griffiths, by and through his attorneys of record, Corbett Law Firm, P.C., and for his cause of action, pursuant to § 379.200 RSMo., against defendants Old Republic Insurance Company, BNSF Railway Company, and James M. Campbell, states, alleges and avers:

1. The accident, more particularly set forth below, that caused plaintiff's damages occurred in Springfield, Greene County, Missouri.
2. On March 16, 2009, plaintiff was operating a motor vehicle northbound on Glenstone Avenue in Springfield, Greene County, Missouri, when defendant James Campbell drove his vehicle into the rear of plaintiff's vehicle (the foregoing is hereinafter referred to as "the collision").
3. As a result of the collision plaintiff sustained injuries.
4. On December 14, 2012, plaintiff filed his Petition in Greene County, Missouri (Case #1231CV-17408) against defendant Campbell seeking damages on account of the injuries plaintiff sustained in the March 16, 2009 collision. (A true and accurate copy of the December 14, 2012 Petition is attached hereto as Exhibit A).



5. On February 22, 2013, a trial was held on plaintiff's Petition for damages against defendant James Campbell.

6. On February 22, 2013, the trial court entered judgment in favor of plaintiff and against defendant Campbell in the amount of one million four hundred seventy five thousand dollars (\$1,475,000.00), together with costs and interest thereon at the rate of five percent (5%) per annum. (A true and accurate copy of the February 22, 2013 Judgment is attached hereto as Exhibit B).

7. The collision upon which the Judgment is based resulted from defendant James Campbell's use of an Enterprise rental vehicle rented by defendant Campbell.

8. At the time and place of the collision, defendant Campbell's use of the Enterprise rental vehicle was with the permission of BNSF.

9. At the time and place of the collision, defendant Campbell was using the Enterprise vehicle to travel to a restaurant to eat dinner.

10. On March 19, 2009, defendant Campbell was an insured under an insurance policy issued by defendant Old Republic to defendant BNSF. (A true and accurate copy of the relevant portions of the Old Republic Insurance Company are attached as Exhibit C).

11. On information and belief and based on the representations of counsel for defendants Old Republic and BNSF, the Old Republic insurance policy is a fronting policy issued to defendant BNSF and, therefore, defendant BNSF is, together with defendant Old Republic, the insurer for the purposes of this litigation.

12. The Old Republic Insurance Company policy to issued defendant BNSF provides coverage for the March 19, 2009 collision.

13. Defendant Old Republic Insurance Company and defendant BNSF denied coverage for the March 19, 2009 collision and refused to defend and/or indemnify defendant Campbell for the March 19, 2009 collision.

14. Plaintiff is entitled to judgment against defendant Old Republic, defendant BNSF, and defendant Campbell in the amount of one million four hundred seventy five thousand dollars (\$1,475,000.00) plus post judgment interest at the legal rate starting on February 22, 2013.

WHEREFORE plaintiff prays for a judgment against Old Republic Insurance Company, BNSF Railway Company, and James Campbell in the amount of one million four hundred seventy five thousand dollars (\$1,475,000.00) plus post judgment interest at the legal rate starting on February 22, 2013, for his taxable court costs, and for such further and additional relief as the Court deems just and proper in the premises.

CORBETT LAW FIRM, P.C.



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